HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19390 of 2005

Dated 1st September, 2005

Between:

D.Rajeswarammma, W/o.Rajagopala Reddy,

Age 40 years, Occ: Fair Price Shop Dealer No.16,

Brahmanapalli village,Orvakal Mandal, Kurnool

Dist. .. Petitioner

And

The Joint Collector,

Kurnool District, Kurnool and another .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19390 of 2005

ORAL ORDER:

The writ petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing the order dated 21.8.2005 cancelling the authorization of the petitioner as Fair Price Shop Dealer of Shop No.16 of Brahmanapalli village as illegal and arbitrary.

The learned counsel for the petitioner has contended that the charge leveled against the petitioner is vague and the findings of the Revenue Divisional Officer do not show as to how the commodities were supplied with less weighment to the eligible cardholders and therefore, the impugned order totally suffers from non-application of mind.

The learned Government Pleader for Civil Supplies has opposed the same on the ground that an appeal is pending before the 1st respondent.

The petitioner cannot be permitted to prosecute two parallel remedies in respect of the same cause of action. Admittedly, an appeal filed by the petitioner against the order passed by the 2nd respondent is pending before the 1st respondent for adjudication.

Hence, the writ petition is disposed of directing the 1st respondent to dispose of the appeal filed by the petitioner, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

01.09.2005

bcj

Note: Furnish copy by tomorrow.

b/o

bcj